

## FINDING OF NO SIGNIFICANT IMPACT (FONSI)

### PRIVATE WATER USE FACILITY CONSTRUCTION STANDARDS AND GUIDELINES FOR THE HIWASSEE RIVER, MILES 20-42.5 POLK, McMINN, AND BRADLEY COUNTIES, TENNESSEE

#### The Proposed Action

The Tennessee Valley Authority (TVA) proposes to establish a set of private water use facility construction standards and guidelines specific to the lower Hiwassee River, miles 20-42.5. The number of requests for Section 26a permits for constructing private water use facilities on the lower Hiwassee has recently increased; this trend is likely to continue in the future. The lower Hiwassee supports a large, healthy population of the snail darter (*Percina tanasi*), a fish federally listed as threatened. The construction of private water use facilities has the potential to cumulatively impact the snail darter. Conducting a cumulative impact analysis for individual permit applications results in a lengthy permit review process. The proposed standards and guidelines would minimize the individual and cumulative impacts resulting from construction of permitted private water use facilities, while streamlining the Section 26a permit review process.

#### Background

The subject stretch of the lower Hiwassee River is upstream of Chickamauga Reservoir. It averages about 250 feet wide, and water levels are largely determined by releases from the upstream Appalachia and Ocoee No. 1 Dams. Two to 3-foot water level fluctuations are common, and flood flows can be 30 feet above normal levels. Some of the shoreland at the downstream end of the subject stretch is owned by TVA, and TVA also owns flowage easements over some private land in this stretch. Further upstream, the adjoining land is privately owned and agriculture is the major land use.

TVA has recently adopted revised standards for private water use facilities as part of its Shoreline Management Initiative. While these new standards are more protective of natural resources than the previous guidelines, they are designed for reservoirs. Facilities built on the lower Hiwassee and complying with the new standards could individually, and more likely cumulatively, impact the snail darter, as well as water quality, aquatic life, and recreational use of the river. TVA is therefore proposing a set of facility construction standards and guidelines customized for the lower Hiwassee River.

#### Alternatives

The EA evaluates the potential environmental impacts of two alternatives for permitting private water use facilities on the lower Hiwassee River. These are the No Action Alternative, and the Action Alternative. Under the No Action Alternative, the Existing TVA Minor Water Use Facility Guidelines (Attachment 2 of the EA) and the standards

adopted in Shoreline Management Initiative (Attachment 3 of the EA, effective November, 1999) would apply to the lower Hiwassee. Under the Action Alternative, TVA would adopt more restrictive guidelines and special conditions. For water use facilities, these include a maximum allowable facility footprint of 400 square feet, a maximum extent from the shoreline of the greater of 25 feet or one-tenth the distance from the bank to the opposite shore, and prohibitions on roofs, side walls, and enclosed storage spaces. The Action Alternative would also prohibit retaining walls. Additionally, the Existing TVA Minor Water Use Facility Guidelines and the Shoreline Management Initiative standards would continue to apply except where they are superseded by the more restrictive guidelines and special conditions.

### Impact Evaluation

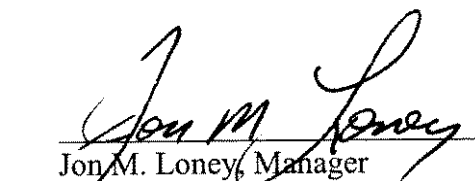
The EA tiers from the Shoreline Management Initiative Final Environmental Impact Statement and relies on its evaluation of impacts to wastewater, socioeconomics, transportation, floodplains, and terrestrial ecology. Neither alternative is anticipated to adversely impact these resources. Because of the distance of significant managed areas from the river stretch being assessed, no effects on these areas are anticipated. Potential impacts to wetlands, historic and archaeological resources, and terrestrial threatened or endangered species would continue to receive site-specific evaluations for each individual permit request under either alternative.

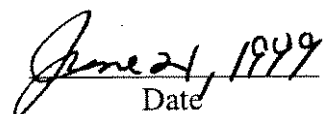
The EA evaluates potential impacts to water quality, recreation, aesthetics, aquatic biology, and aquatic threatened or endangered species in more detail. Compared to the No Action Alternative, the Action Alternative would provide a higher level of protection of these resources. Facilities built under the specifications of the Action Alternative would cause minimal bank disturbance during installation and be able to withstand extreme water level fluctuations. The probability of degraded water quality from siltation, and of channel blockages caused by docks breaking loose and lodging downstream or by floating debris collecting on intact docks, is greatly reduced. There would also be more protection of the Hiwassee River's high scenic and recreational qualities.

In accordance with Section 7 of the Endangered Species Act, the EA was reviewed by the U.S. Fish and Wildlife Service. The Service concurred with TVA's determination that permitting private water use facilities under the conditions of the Action Alternative is not likely to adversely affect listed species.

### Conclusion and Finding

The Final Environmental Assessment for this proposal concludes that permitting private water use facilities in compliance with the customized guidelines and conditions for the lower Hiwassee River, would not result in significant adverse impact upon the environment. Environmental Management's NEPA Administration staff reviewed the Final EA and agreed with this conclusion, and determined that the preparation of an environmental impact statement is not required.

  
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Date